No. 9905

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

RAYMOND H. JEHL,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

BRIEF FOR APPELLEE.

FRANK J. HENNESSY,
United States Attorney,
VALENTINE C. HAMMACK,
Assistant United States Attorney,
Post Office Building, San Francisco,
Attorneys for Appellee.

PERNAU-WALSH PRINTING CO., SAN FRANCISCO

Subject Index

Table of Authorities Cited

Cases

Statutes

No. 9905

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

RAYMOND H. JEHL,
Appellant,

vs.

UNITED STATES OF AMERICA,
Appellee.

BRIEF FOR APPELLEE.

Appeal from a judgment and order made by the United States District Court for the Southern Division of the Northern District of California, sentencing appellant on an indictment containing nine counts, following appellant's conviction on all nine of the same, as follows:

> Upon Count One of the Indictment for the period of Two (2) Years and to pay a fine to the United States in the sum of One Hundred and No/100 Dollars ($100.00) and to pay a penalty of Five Hundred and No/100 Dollars ($500.00);
>
> Upon Count Two of the Indictment to pay a fine to the United States in the sum of One Hundred and No/100 Dollars ($100.00) and to pay a penalty of One Thousand and No/100 Dollars ($1000.00);

Upon Count Three of the Indictment for the period of Two (2) Years and pay a fine to the United States in the sum of Five Hundred and No/100 Dollars ($500.00);

Upon Count Four of the Indictment for the period of Two (2) Years and pay a fine to the United States in the sum of One Hundred and No/100 Dollars ($100.00);

Upon Count Five of the Indictment for the period of Two (2) Years and to pay a fine to the United States in the sum of Five Hundred and No/100 Dollars ($500.00);

Upon Count Six of the Indictment for the period of Two (2) Years and to pay a fine to the United States in the sum of Five Hundred and No/100 Dollars ($500.00);

Upon Count Seven of the Indictment for the period of Three (3) Years;

Upon Count Eight of the Indictment to pay penalty to the United States in the sum of Five Hundred and No/100 Dollars ($500.00);

Upon Count Nine of the Indictment for the period of Two (2) Years;

It Is Further Ordered that the periods of imprisonment imposed on the defendant on Counts One, Three, Four, Five, Six, and Nine, run concurrently; that the period of imprisonment imposed on the defendant on the Seventh Count of the Indictment begin and run from and after the expiration or execution of the periods of imprisonment imposed on the defendant on Counts One, Three, Four, Five, and Six of the Indictment.

The appellant was thus sentenced to a full term of five years. (Tr. R. pp. 10, 11.)

JURISDICTIONAL STATEMENT.

Jurisdiction is conferred upon the trial court by 28 U.S.C. Section 41 (2) and upon this Court by 28 U.S.C. Section 225.

THE INDICTMENT.

The indictment charges the appellant as follows:

No.27235-S

In the Southern Division of the United States District Court for the Northern District of California

First Count: (R. S. 3258) 26 USCA 2810(a);

In the March 1941 term of said Division of said District Court, the Grand Jurors thereof, upon their oaths present:

That

Raymond H. Jehl
Tony Rodrigues, and
Lester A. Woodworth,

(hereinafter called "said defendants"), on the 28th day of August, 1940, at a place known as the E. A. Hall Ranch, Route 1, Box 77a, Watsonville, Santa Cruz County, State of California, within said Division and District, knowingly had in their possession and custody and under their control for the distillation of alcohol, a still and distilling apparatus set up without having registered the same in the manner prescribed by Section 2810 (a) of the Internal Revenue Code.

Second Count: (R. S. 3259) 26 USCA 2812:

And the said Grand Jurors, upon their oaths, do further present: That at the time and place

described in the first count of this indictment said defendants were engaged in the business of a distiller of alcohol, and then and there wilfully failed to give the notice prescribed by Section 2812 of The Internal Revenue Code.

Third Count: (R. S. 3260) 26 USCA 2814 (a) (1);

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment said defendants having then and there commenced the business of distillers of alcohol, wilfully failed to give the bond prescribed by Section 2814 (a) (1) of the Internal Revenue Code.

Fourth Count: (R. S. 3281) 26 USCA 2833 (a);

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment said defendants wilfully engaged in and carried on the business of a distiller of alcohol, with intent to defraud the United States of the tax on the spirits distilled by them.

Fifth Count: (R. S. 3282) 26 USCA 2834;

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment, in a building and on premises at said place, said defendants knowingly made and fermented mash, wort and wash, fit for distillation and for the production of alcohol, other than in a distillery duly authorized according to law.

Sixth Count: (R. S. 3282) 26 USCA 2834;

And the said Grand Jurors, upon their oaths, do further present: That at the time and place

described in the first count of this indictment, said defendants, not then nor there being authorized distillers, knowingly separated by distillation the alcoholic spirits from fermented mash, wort and wash.

Seventh Count: 26 USCA 3321;

And the said Grand Jurors upon their oaths do further present: That at the time and place described in the first count of this indictment said defendants did then and there unlawfully, wilfully and knowingly deposit and conceal certain goods and commodities, to-wit, approximately 10 gallons of alcohol, and 100 gallons of whiskey, upon which said goods and commodities there were then and there imposed certain taxes under the Internal Revenue laws of the United States; that said taxes imposed as aforesaid were then and there due and unpaid to the United States, and the said goods and commodities were deposited and concealed as aforesaid by said defendants with intent then and there to defraud the United States of said taxes.

Eighth Count: 26 USCA 3320;

And the said Grand Jurors upon their oaths do further present: That at the time and place described in the first count of this indictment said defendants then and there knowingly and wilfully did have in their possession with intent to sell the same in fraud of the Internal Revenue laws of the United States the said goods and commodities described in the Seventh Count of this Indictment upon which there were then and there due, imposed and unpaid certain taxes to the United States of America.

Ninth Count: 18 USCA Section 88;

And the said Grand Jurors upon their oaths aforesaid do further present: That said defendants, at a time and place to said Grand Jurors unknown, did knowingly, wilfully, unlawfully, corruptly and feloniously conspire, combine, confederate, arrange and agree together, and with divers other persons whose names are to the Grand Jurors unknown, to commit offenses against the United States of America, and the laws thereof, the offenses being to knowingly, wilfully, unlawfully, and feloniously violate the Internal Revenue laws of the United States

(1) By possessing and controlling for the distillation of alcohol a still and distilling apparatus set up, without having registered the same in the manner prescribed by law;

(2) by engaging in the business of distillers of alcohol without having given the notice prescribed by law;

(3) by having commenced the business of distillers of alcohol, having wilfully failed to give the bond prescribed by law;

(4) by engaging in and carrying on the business of distillers of alcohol with intent to defraud the United States of the taxes on the spirits distilled by them;

(5) by knowingly making and fermenting mash, wort and wash fit for distillation and for the production of alcohol in a building and on premises other than in a distillery duly authorized according to law;

(6) by separating by distillation, alcoholic spirits from fermented mash, wort and wash without being registered distillers;

(7) by removing, concealing and depositing tax unpaid distilled spirits with intent to defraud the United States of the tax imposed thereon;

(8) by possessing, buying, selling, transferring and transporting distilled spirits in immediate containers not having thereto affixed the stamps prescribed by law denoting the quantity of spirits therein and evidencing payment of all Internal Revenue taxes imposed thereon;

(9) by removing to and depositing in premises other than an Internal Revenue Bonded Warehouse tax unpaid distilled spirits;

(10) by having in their possession and custody tax unpaid distilled spirits for the purpose of selling the same in fraud of the Internal Revenue laws and with design to avoid payment of the tax imposed thereon;

(11) and by carrying on the business of wholesale liquor dealers without having paid the special tax therefor as required by law.

And the said Grand Jurors, upon their oaths aforesaid, do further charge and present that in pursuance of, and in furtherance of, in execution of, and for the purpose of carrying out and to effect the object, design and purposes of said conspiracy, combination, confederation and agreement aforesaid, the hereinafter named defendants did at the times hereinafter set forth, commit the following overt acts within the Southern Division of the Northern District of California, and within the jurisdiction of this Court:

1. On or about March 9, 1940, in the City of Watsonville, County of Santa Cruz, State of California, said defendants Tony Rodrigues and John A. Woodworth signed a lease for the premises

known as the Hall Ranch, Route 1, Box 77A, Watsonville, California.

2. On or about April 2, 1940 in the City of Watsonville, County of Santa Cruz, California, said defendant Lester A. Woodworth signed an application for electric service for the premises known as the Hall Ranch, Route 1, Box 77A, Watsonville, California.

3. On or about June 15, 1940 said defendant Raymond Jehl bought ten 100-lb sacks of sugar from the Independent Grocery Company, located at 169 Main Street in the City of Watsonville, County of Santa Cruz, California.

4. On or about August 28, 1940 said defendant Tony Rodrigues operated a still at a place known as the Hall Ranch, Route 1, Box 77A, Watsonville, California.

Frank J. Hennessy,
United States Attorney.

Approved as to Form:
R. B. McM.

(Endorsed): A true bill, Edward J. Dollard, Foreman. Presented in Open Court and Ordered Filed May 6, 1941. Walter B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

APPELLANT'S ASSIGNMENTS OF ERROR.

Appellant assigns three errors:

(a) Appellant moved the Trial Court for a directed verdict of not guilty at the conclusion of the Government's case in chief, which motion was denied.

(b) The appellant, at the conclusion of defendant's case, renewed his motion for a directed verdict, which motion was denied.

(c) That the evidence was insufficient as a matter of law to sustain the verdict.

FACTS OF THE CASE.

On August 28, 1940 certain agents of the Alcohol Tax Unit of the Bureau of Internal Revenue seized a still and the usual equipment used in its operation on a ranch known as the E. A. Hall Ranch, approximately three miles outside Watsonville, Santa Cruz County, California. At the time of the seizure, which was about 9:00 o'clock in the evening, the still was in operation, and the officers arrested the defendant Tony Rodrigues inside the still building. About midnight of the night of the seizure of the still, the defendant Lester A. Woodworth drove up to the premises with his wife and stepdaughter, at which time and place the defendant Woodworth was arrested. The defendant Rodrigues admitted his connection with the still. The defendant Woodworth denied any connection with the still, and further denied any knowledge that the same was located inside the barn on the premises. Woodworth told the officers he lived on the place with his wife and stepdaughter next to the still, and that he and Rodrigues had leased the ranch to farm and raise hogs, but that the same did not turn out so well, and that thereafter he and Rodrigues had leased the barn

to an Italian whom he, Woodworth, could not name or describe.

The officers found 110 gallons of whiskey at the still. The still, according to the officers, was capable of producing 160 gallons of alcohol a day.

The still was illicit and the permits and taxes required by the Internal Revenue Laws were not secured nor paid.

Charles B. Hall, son of the owner of the ranch, testified that the ranch had been leased to the defendants Rodrigues and Woodworth on March 9, 1940. These defendants stated to Hall they were leasing the ranch for the purpose of raising hogs, corn, and beans. Hall further testified that Rodrigues and Woodworth built the house on the ranch in which Woodworth was living, and that the house cost approximately $150.00 to build. Hall further testified that following the leasing of the premises he visited the same at least eight times, and never saw any evidence of farming.

Frank Thomas, an official of a gas and electric company, testified that electric service for the premises was in the name of Woodworth and that the readings on the meter showed the service to have started on April 2, 1940. The meter readings showed normal use of service for the first three months. During the months of July and August 1940, the use of electric service was above normal.

Earl Goon testified that he was engaged in the grocery business in Watsonville, California; that he knew the defendant Raymond H. Jehl. He further

testified that sometime in May or June of 1940 Jehl came to his grocery store, and in a conversation Jehl asked at that time if he could buy sugar in ten sack lots. They discussed the price, and Goon mentioned a price a little higher than he usually charged. He stated further that about three weeks later Jehl came to his store and placed an order for ten sacks of sugar and told Goon that someone would pick it up. Jehl did not say who would pick up the sugar, but a day or so later the sugar was picked up by the defendant Rodrigues. Goon further testified that about a week later he sold ten sacks of sugar again to Jehl, for which Jehl paid him, and later the same thing happened again; that when the sugar was ordered by Jehl, he, Goon, would place it in the back room, and in the evening, about 6:00 o'clock, Rodrigues would come and pick the sugar up; that there is an alley in the rear of the store, and when Rodrigues picked up the sugar he would come in the alley in the rear of the store; that Jehl paid him three times for sugar and Rodrigues paid him three times for sugar, but that Jehl ordered the sugar in all instances; that on one occasion Jehl ordered sugar over the long distance telephone, and said someone would pick it up. In all, six different sales of sugar were made to Jehl between May 1940 and the 1st of August, 1940. Goon further testified that on one occasion Jehl ordered sugar and the same was picked up by the defendant Woodworth; that on the first occasion Jehl came to his store to discuss the purchase of sugar, that he, Jehl, was accompanied by another man; there was

no conversation with this man, and after this first time he was not seen again; that following the seizure of the still, Jehl came in to the store to see him, at which time Goon told Jehl that he, Goon, had been interviewed by Government officers, and Jehl said not to worry, that it was just a routine matter (Tr. pp. 33-38).

Joe Carrillo testified that he worked at the Colonial Inn, a night club and restaurant located in San Jose, California, on occasions during the year 1940; that the defendant Raymond Jehl owned the Colonial Inn and that in a conversation with Jehl at the Colonial Inn in the latter part of August, 1940, or the first part of September, 1940, and at which conversation there was present Jehl, Mrs. Carrillo, and the bartender, Jehl was saying "he was kind of in the dumps", and Mrs. Carrillo "asked him what for", to which Jehl said, "I had to go to San Francisco, and get some of my men out of jail. It made me feel bad, cost me some money". "He said the men he got out of jail were arrested for running a still" (Tr. p. 39).

Della Carrillo testified that during the year 1940 she was employed at the Colonial Inn; that the defendant Jehl was her boss; that Jehl first came to the Colonial Inn in May of 1940 and remained until sometime in September of 1940; that the Colonial Inn was a night club; that about a week before Jehl left the Colonial Inn, that is sometime in September of 1940, she had a conversation with Jehl; that present were her husband, Joe Carrillo, and the bartender;

at that time Jehl said "that he had come to San Francisco to see about bailing out a couple of his men"; that prior to that conversation, sometime in the first part of August, Jehl said "it was awful to stand on a hill and watch thousands of dollars go to waste"; that she again saw Jehl shortly before the trial of this case; that Jehl came to the Colonial Inn with the defendants Rodrigues and Woodworth; that Jehl asked her if anybody had been to see her in regard to this case, and she said "Yes", and then Jehl said "Remember you don't know anything"; that on another occasion Jehl told the bartender, in the latter part of August, "that he had to go away for a little while because things were getting hot" (Tr. pp. 43-44).

Eugene E. Glorr, a physician and surgeon of Watsonville, California, testified that Jehl was a patient of his; that Jehl was being treated because of loss of weight, being nervous, and had a persistent cough, and he advised Jehl to seek a warmer climate; that he would not say the night club business would be good for his nerves or for the type of cough he had, sometimes one gave advice to patients that they do not necessarily follow.

Angelo Gordon Amizich testified that from the month of June, 1940 until September, 1940 he was employed as bartender at the Colonial Inn; that he did not hear any conversation, or conversations, as testified to by the Carrillos; that such conversations could have taken place without his hearing and without his knowledge (Tr. pp. 72-75).

Raymond H. Jehl testified, among other things, that he was and had been for many years engaged in the real estate and insurance business in the City of Watsonville; that in May of 1940 a Mr. Giorodoni came to his place of business in Watsonville and presented a card from Louis Hirsh, a jeweler who had a store in San Jose and Salinas; that he, Jehl, knew Mr. Hirsh for about twenty years; that on the back of the card was Jehl's name and address; that Mr. Giorodoni asked to be introduced to the Independent Grocer. Jehl introduced this man to Earl Goon. This man and Goon discussed the price of sugar, and later Giorodoni called on Jehl at the Colonial Inn in San Jose and requested Jehl to order, pay for, and purchase sugar in ten sack lots for Giorodoni. Jehl further testified that he did not know what Giorodoni wanted the sugar for and was surprised later to hear that Giorodoni was in the business of operating an illicit still.

Louis Hirsh testified that he lived in Salinas, California, and was engaged in the jewelry business; that he knew Raymond Jehl, and had known him for twelve or fifteen years; that he did not know a man by the name of Giorodoni; that he did not, during the months of April, May, or June of 1940, give one of his business cards to a man by the name of Giorodoni to be delivered to Mr. Jehl in Watsonville; that the week before the trial Jehl wanted him to remember the fact that he had given such a card to Giorodoni, and that he could not and did not know anything

about it; that he told Jehl to do so would be telling an untruth and that he would not do that.

Alex B. Hirsh testified that while he was at Big Sur on a Sunday shortly before the trial, he telephoned long distance to Jehl and told him not to try any longer to get in touch with his brother because he was not going to have anything to do with the matter that Jehl wanted him to take care of, and then Jehl said, "I don't want to talk about it over the telephone", and he told Jehl "Louis was not going to commit perjury for anybody".

ARGUMENT.

All of appellant's assignments of error relate to the sufficiency of the evidence to support the verdict. It is argued first that the evidence is insufficient to support the verdict as a whole, and secondly that, assuming the evidence to be sufficient to support the conspiracy count against appellant, there is no evidence to sustain the verdict on the substantive counts. On this particular point the law generally covering the same has been restated many times.

In the case of *Abrams v. United States,* 250 U. S. 616, 619, the Court said:

> "The claim chiefly elaborated upon by the defendants in the oral argument and in their brief is that there is no substantial evidence in the record to support the judgment upon the verdict of guilty and that the motion of the defendants for an instructed verdict in their favor was

> erroneously denied. A question of law is thus presented, which calls for an examination of the record, not for the purpose of weighing conflicting testimony, but only to determine whether there was some evidence, competent and substantial, before the jury, fairly tending to sustain the verdict." (Citing cases.)

In the case of *Vilson v. United States* (C.C.A. 9), 61 F.(2d) 901, this Court said:

> "In consideration of the evidence on a motion for a directed verdict, the evidence must be considered in its most favorable aspect to the appellee. (Citing cases.) If there is substantial evidence it must be submitted to the jury, whose function it is to consider and weigh it, and this includes credibility of witnesses." (Citing cases.)

See also:

Stilson v. United States, 250 U.S. 583, 588;

Pierce v. United States, 252 U.S. 239, 251-252;

Crono v. United States (C.C.A. 9), 59 F.(2d) 339, 340;

Maugeri v. United States (C.C.A. 9), 80 F.(2d) 199, 202;

Cossack v. United States (C.C.A. 9), 82 F.(2d) 214;

Mullaney v. United States (C.C.A. 9), 82 F.(2d) 638-640;

Hemphill v. United States (C.C.A. 9), 120 F.(2d), at page 117.

This Court has constantly adhered to the rule as stated in the aforementioned cases.

The transcript shows the evidence against appellant to be most substantial and that appellant, together with his co-defendants, was certainly engaged in the operation of the illicit distillery, as charged in all of the counts of the indictment.

It is respectfully submitted that no other logical conclusion may be drawn from the testimony of the various witnesses as reflected in the transcript. The lease for the ranch, upon which the still was found, was entered into by appellant's co-defendants Rodrigues and Woodworth on the 9th day of March, 1940. Thereafter Rodrigues and Woodworth built a house upon the ranch premises (Tr. pp. 22-23). Electric service was connected on April 2, 1940. There was a normal consumption of electricity for the first three months, but in July and August, 1941 the consumption was above normal (Tr. p. 26).

The appellant, long in the real estate and insurance business in Watsonville, California, first went to San Jose and engaged in the night club business in May of 1940 (Tr. p. 43). Some time in May or June of 1940 appellant made arrangements to purchase sugar, at a price in excess of the regular price, in ten sack lots from Earl Goon. In all, six different sales of sugar were made by Earl Goon to the appellant between May of 1940 and August 1940 (Tr. pp. 33-34). This sugar was later picked up by the defendant Rodrigues, with one exception, when on one occasion the defendant Woodworth called and picked up the same. On at least three occasions the defendant Rodrigues paid for the sugar, the appel-

lant paying for the same on three occasions. When Rodrigues paid for the sugar it had already been ordered by the appellant. The appellant ordered the sugar in all instances (Tr. p. 34). Rodrigues and Woodworth were arrested on the still premises on the 28th day of August, 1940 (Tr. 16); the distillery was in operation. The defendant Rodrigues was in the still building mixing mash (Tr. p. 16). The defendant Woodworth on at least one occasion picked up sugar at the store of the witness Goon and delivered the same to the still premises (Tr. p. 57).

Thus we have from the evidence the leasing of the still premises by the defendants Rodrigues and Woodworth, the operation of the still itself by these defendants, the ordering and paying for the sugar used in the operation of the still by the appellant, and the same being picked up at the store on various occasions by appellant's two co-defendants.

Further, the appellant was engaged in the night club business in San Jose, California, from May 1940 until September 1940 (Tr. p. 43).

Some time in the latter part of August or first part of September, 1940 the appellant talked of "getting some of my men out of jail" in relation to "*my still*" (Tr. p. 39).

Shortly before the trial of this case, the appellant together with his co-defendants visited the witness Della Carrillo at the Colonial Inn, in San Jose, and the appellant asked Della Carrillo if anyone had been to see her in regard to this case. Della Carrillo

said "Yes", and appellant said to her, "Remember you don't know anything" (Tr. pp. 43, 44).

Thus, taking all of the facts in the case into consideration, they overwhelmingly tend to a most positive degree to establish appellant's guilt, not only on the conspiracy count, but on the substantive counts as well.

See the case of *Vukich v. United States* (C.C.A. 9), 28 F.(2d) at page 669, in which case this Court said:

> "The only question to be determined in this case is whether a person who, with knowledge of the existence of an unlawful distillery, furnishes supplies thereto to be manufactured into contraband liquor, aids or abets the carrying on of such unlawful business. The business of a distillery cannot be carried on without supplies. *It follows that one who knowingly delivers supplies to such distillery aids and abets the carrying on of its unlawful business, and thus becomes, under the provisions of the statute, liable to be prosecuted and punished as a principal.*" (Italics ours.)

To the same effect see the case of *Borgia v. United States* (C.C.A. 9), 78 F.(2d) at page 555.

Also see the case of *Johnson v. United States* (C.C.A. 9), 62 F.(2d) at page 34, in which case this Court said:

> "The evidence is sufficient to sustain the verdict of guilty on such last mentioned counts. *The fact that these appellants were not personally present at the place where and the time when the liquor was manufactured is immaterial. It is not*

necessary that one who aids and abets the commission of a crime shall be present when the crime is committed to sustain a conviction under this section." (Italics ours.)

Section 550, Title 18 *U.S.C.A.*, provides:

"Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal."

It is respectfully submitted that the evidence shows that appellant's actions were such in the present case as to place him squarely within the rule laid down by the above mentioned section and the above mentioned cases.

In support of his appeal appellant has cited five cases, one of which, to-wit, the case of *United States v. Sall* (C.C.A. 3), 116 F.(2d) 745, at 747, when properly interpreted in the light of the facts in the present case, is in full support of appellee's position herein.

In the case of *United States v. Cusimano* (C.C.A. 7), 123 F.(2d) 611, cited by appellant, it will be noted that the question presented to the Court was whether or not the president of an importing company, proven to have sold sugar to the operators of an illicit distillery with knowledge of the same, was properly guilty as an aider and abettor on the substantive counts of the charge, the Court holding that under the facts in the *Cusimano* case such conviction was

improper, though sustaining the verdict of guilty on the conspiracy count. The facts in the *Cusimano* case and the reasoning of the Court therein are clearly distinguishable from the facts in the present case, and thus of no assistance to appellant.

In regard to the other cases cited by appellant, none of them are in point with the facts in the present case, and also, therefore, are of no assistance.

Appellant testified in his own behalf in an effort to place an innocent construction on his proven actions in connection with the illicit distillery, and from the jury's verdict finding appellant guilty it is obvious his testimony was not believed.

CONCLUSION.

It is respectfully submitted that the evidence is sufficient to sustain the verdict of guilty on all counts in the indictment, and that appellant has shown no error, and that judgment should be affirmed.

Dated, San Francisco,
March 20, 1942.

FRANK J. HENNESSY,
United States Attorney,
VALENTINE C. HAMMACK,
Assistant United States Attorney,
Attorneys for Appellee.